

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESUS ZAMORA VARGAS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:21-cv-00274-DAD-HBK (SS)

ORDER ADOPTING IN FULL FINDINGS
AND RECOMMENDATIONS, GRANTING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT, DENYING DEFENDANT'S
CROSS-MOTION FOR SUMMARY
JUDGMENT, AND REMANDING THIS
CASE TO DEFENDANT COMMISSIONER

(Doc. Nos. 21, 24, 28)

Plaintiff Jesus Zamora Vargas, proceeding with counsel, brought this action seeking judicial review of the Commissioner of Social Security's final decision denying plaintiff's application for benefits under the Social Security Act. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 15, 2024, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion for summary judgment (Doc. No. 21) be granted, defendant's cross-motion for summary judgment (Doc. No. 24) be denied, defendant's decision denying plaintiff's application for benefits be reversed, and this case be remanded back to defendant Commissioner of Social Security for further proceedings. (Doc. No. 28 at 11.)

Specifically, the magistrate judge concluded that the administrative law judge failed to provide specific, clear and convincing reasons to reject plaintiff's testimony regarding plaintiff's pain. (*Id.* at 6–10); *see also Lambert v. Saul*, 980 F.3d 1266, 1268 (9th Cir. 2020) (“The ALJ did err, however, in failing to articulate sufficient reasons for refusing to credit Lambert’s testimony about the severity of her medical condition. . . . We therefore vacate the district court’s judgment and remand with instructions to return this case to the ALJ for proceedings consistent with this opinion.”).

The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 11.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

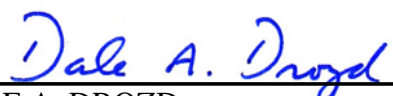
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly:

1. The findings and recommendations issued on March 15, 2024 (Doc. No. 28) are adopted in full;
2. Plaintiff’s motion for summary judgment (Doc. No. 21) is granted;
3. Defendant’s cross-motion for summary judgment (Doc. No. 24) is denied;
4. This case is remanded to the Commissioner for further proceedings consistent with this order and the findings and recommendations issued on March 15, 2024 (Doc. No. 28); and
5. The Clerk of the Court is directed to enter judgment in favor of plaintiff and close this case.

IT IS SO ORDERED.

Dated: April 12, 2024


DALE A. DROZD
UNITED STATES DISTRICT JUDGE